

they may flourish and develop rather than fall into decay.

Very sincerely,

SAM. P. COCHRAN,

Sovereign Grand Inspector General
in Texas, Ancient and Accepted
Scottish Rite of Freemasonry.

The above was ordered printed in the
Journal.

TWENTY-SECOND DAY.

Senate Chamber.

Austin, Texas.

Saturday, August 13, 1921.

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Pro Tem. Bailey.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins. Hall.

Absent—Excused.

Carlock.	Richards.
Dorough.	Williams.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Aug. 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 21, Relating to the State Fire Insurance Commission.

S. C. R. No. 8, Relating to the

admission of certain persons into the State Confederate Home.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives

House Concurrent Resolution No. 21.

The Chair laid before the Senate, H. C. R. No. 21, Relating to transfer of certain unexpended funds of State Fire Insurance Commission from one fund to another, authority being given.

The resolution was read and adopted.

Simple Resolution No. 41.

By Senator Burkett:

Whereas, this session is drawing to a close and there remains only two days in which to consider House Bills, and

Whereas, H. B. No. . . , relating to the consolidation of the Market and Warehouse Department with the Department of Agriculture, has been in the possession of the Senate for several days and has not yet been reported out of the Committee on Agriculture, and

Whereas, it will be impossible for the Senate to consider said bill unless same is reported out of the committee at once; therefore, be it

Resolved, by the Senate, that the Committee on Agriculture be requested to report on said bill by 3:00 o'clock p. m. this date.

The resolution was read and Senator Burkett moved that it be adopted, and,

Senator Page moved, as a substitute, that the resolution be referred to the Committee on Agriculture, the substitute motion being adopted.

Messages from the Governor

Governor's Office,

Austin, Texas, Aug. 13, 1921.

To the Members of the Texas Senate.

Gentlemen: I herewith submit, by special request, for your consideration the subject of amending Chapter 46, Special Laws of the Thirty-fifth Legislature, creating the Calvert Independent School District.

Respectfully submitted,

PAT M. NEFF,

Governor.

Governor's Office,
Austin, Texas, Aug. 12, 1921.
To the Texas State Senate.

Gentlemen: I ask the advice and consent of the Senate to the appointment as notaries public, of those whose names appear on the list hereto attached, and in and for the counties appearing opposite their names.

Respectfully submitted,

PAT M. NEFF,
Governor.

For Appointment as Notaries Public.

Name.	County.
Moore, Grace H.....	Lubbock
Henderson, J. E.	Lubbock
Culberson, Frank M.....	Lubbock
Rowley, H. G.....	Lubbock
Cadenhead, Earl T.....	Terry
Weathers, R. P.....	Lynn
Flynt, George.....	Walker
Stevenson, J. A.....	Trinity
Matthews, Chester W.....	Trinity
Crawford, J. W.....	LaSalle
McCaleb, D. P.....	Bell
Salter, W. E.....	Dallas
Scott, R. C.....	Floyd
Liston, Luther H.....	Floyd
Gutherie, E.....	Floyd
Free, E. B.....	Yoakum
Dumas, M. E.....	Yoakum
Carpenter, Mrs. Margaret K.....	Camp
Newsome, John D.....	Camp
Dodson, C. A.....	Camp
Garrett, John P.....	Camp
Dorman, Mrs. L.....	Travis
Kennedy, T. J. F.....	Travis
Williamson, S. J.....	Anderson

Morning Call concluded.

House Bill No. 32.

The Chair laid before the Senate, H. B. No. 32, and

On motion of Senator Hertzberg, the bill was made a special order for 11:00 o'clock today, which motion was adopted.

House Bill No. 67.

The Chair laid before the Senate on second reading,

H. B. No. 67, A bill to be entitled "An Act creating Love Independent School District in Swisher County, Texas; defining its boundaries, said boundaries including the present Common School District No. 6, providing for a board of trustees in said district; conferring upon its board of trustees all the rights, powers, privileges and duties now conferred

and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 67 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins. Hall.

Absent—Excused.

Carlock.	Richards.
Dorough.	Williams.

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	
Hertzberg.	

Absent.

Cousins. Woods.
Hall.

Absent—Excused.

Carlock.	Richards.
Dorough.	Williams.

House Bill No. 82.

The Chair laid before the Senate, on second reading,

H. B. No. 82, A bill to be entitled "An Act amending Chapter 9 of the General Laws of the Thirty-fifth Legislature of the State of Texas, passed at the Fourth Called Session so as to change the time of holding district court in the various counties of the Seventy-second Judicial District of Texas; declaring what counties shall compose the said district; attaching the unorganized county of Cochran to Hockley County for judicial and all other purposes; making process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court as herein fixed, and conform all grand and petit juries drawn to be returnable to the corresponding weeks of the terms as herein defined, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 82 put on its third reading and final passage by the following vote:

Yeas—25

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
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Absent—Excused.

Carlock.	Richards.
Dorough.	Williams.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Bledsoe.
Baugh.	Buchanan.

Burkett.	Murphy.
Clark.	Page.
Darwin.	Parr.
Davidson.	Rogers.
Doyle.	Suiter.
Dudley.	Watts.
Fairchild.	Willis.
Floyd.	Witt.
Hertzberg.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 85.

The Chair laid before the Senate, on second reading,

H. R. No. 85, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Reagan County; to conform the jurisdiction of the district court thereto, and to repeal all laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 85 put on its third reading and final passage by the following vote:

Yeas—25

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Aug. 31, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Conference Committee on S. B. No. 17, being an Act to pay the salaries of officers and employees of certain eleemosynary institutions of the State.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives.

House Bill No. 86.

The Chair laid before the Senate, on second reading,

H. B. No. 86, A bill to be entitled "An Act amending Chapter 57, Local and Special Laws of the Third Called Session of the Thirty-sixth Legislature, and amending Chapter 3, Local and Special Laws of the Regular Session of the Thirty-seventh Legislature of the State of Texas, creating and incorporating the Blythe County Line Independent School District out of territory in Gaines, Terry and Yoakum counties, defining its boundaries; providing for a board of trustees, and defining their powers and authority, etc., and declaring an emergency."

The committee report was adopted.

Senator Burkett offered the following amendment, which was read and adopted:

Amend H. B. No. 86, page 9, after Section 21, by inserting Section 22, and renumbering the last section to be Section 23, said new Section 22 to read as follows:

"Section 22. Should any section or provision of this Act be by the courts held invalid or unconstitutional, such decision shall not affect such remaining sections and provisions, but such remaining sections and provisions shall remain in full force and effect the same as if such invalid or unconstitutional sections or provisions had never been a part of this Act."

Amend caption of H. B. No. 86, by adding after the word "elected" in the next to the last line of the caption the words: "providing that in-

validation by the courts of any section or provision of this Act shall not invalidate any remaining sections and provisions."

The bill was read second time and passed to a third reading.

On motion of Senator Burkett, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 86 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 87.

The Chair laid before the Senate on second reading.

H. B. No. 87, A bill to be entitled "An Act creating the Goose Creek Independent School District in Harris County, Texas; defining its boundaries, including the present Goose Creek Independent School District: providing for a board of trustees in said district, conferring upon said district and its boards of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Murphy, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 87 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Doyle.
Baugh.	Dudley.
Bledsoe.	Fairchild.
Buchanan.	Floyd.
Burkett.	Hertzberg.
Clark.	Lewis.
Darwin.	McMillin.
Davidson.	Murphy.

Page.	Willis.
Parr.	Witt.
Rogers.	Wood.
Suiter.	Woods.
Watts.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 88.

The Chair laid before the Senate, on second reading, H. B. No. 88, and

On motion of Senator Floyd the bill was laid on the table subject to call.

House Bill No. 95.

The Chair laid before the Senate, on second reading,

H. B. No. 95, A bill to be entitled "An Act creating Common School Districts Nos. 8 and 15, in Dickens County, Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 95 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

Simple Resolution No. 42.

Whereas, Hon. E. G. Senter, a former member of the Senate of Texas, is in the Senate Chamber; therefore, be it

Resolved, That he be given the privileges of the floor and invited to address the Senate.

Witt, Bledsoe, Rogers, Dudley.

The resolution was read and adopted.

The Chair appointed the signers of the resolution as a committee to escort Mr. Senter to the President's stand, who, after being introduced, addressed the Senate briefly.

House Bill No. 97.

The Chair laid before the Senate, on second reading,

H. B. No. 97, A bill to be entitled "An Act adding to and making a part of the Premont Independent School District in Jim Wells County, Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 97 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally.

House Bill No. 98.

The Chair laid before the Senate, on second reading,

H. B. No. 98, A bill to be entitled "An Act creating the El Carro Independent School District in the County of Jim Wells, State of Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 98 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock. Williams.
Richards.

The bill was read third time and passed finally.

House Bill No. 99.

The Chair laid before the Senate, on second reading,

H. B. No. 99, A bill to be entitled "An Act creating the Petronila Common School District No. 7, in Nueces County, Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 99 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins. Hall.
Dorough.

Absent—Excused.

Carlock. Williams.
Richards.

The bill was read third time and passed finally.

(Senator Darwin in the Chair.)

House Bill No. 100.

The Chair laid before the Senate, on second reading,

H. B. No. 100, a bill to be entitled "An Act creating the Ben Bolt Independent School District in Jim Wells and Kleberg counties, Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 100 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins. Hall.
Dorough.

Absent—Excused.

Carlock. Williams.
Richards.

The bill was read third time and passed finally.

House Bill No. 104.

The Chair laid before the Senate on second reading,

H. B. No. 104, A bill to be entitled "An Act to repeal Chapter 26 of the Special and Local Laws of the Regular Session of the Thirty-seventh Legislature, the same being 'An Act creating the Palestine Independent School District, in Anderson County, Texas.'"

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 104 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Doyle.
Baugh.	Dudley.
Bledsoe.	Fairchild.
Buchanan.	Floyd.
Burkett.	Hertzberg.
Clark.	Lewis.
Darwin.	McMillin.
Davidson.	Murphy.

Page.	Willis.
Parr.	Witt.
Rogers.	Wood.
Suiter.	Woods.
Watts.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 105.

The Chair laid before the Senate, on second reading,

H. B. No. 105, A bill to be entitled "An Act creating the Jacksonville Independent School District in Cherokee County, Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 105 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Buchanan.
Baugh.	Burkett.
Bledsoe.	Clark.

Darwin.	Page.
Davidson.	Parr.
Doyle.	Rogers.
Dudley.	Suiter.
Fairchild.	Watts.
Floyd.	Willis.
Hertzberg.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 147.

The Chair laid before the Senate, on second reading,

H. B. No. 147, A bill to be entitled "An Act creating the Smithville Independent School District, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Page, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 147 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally by the following vote:

Yeas—26.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 32.

The Chair laid before the Senate, as a special order for this hour, on second reading,

H. B. No. 32, A bill to be entitled "An Act to amend Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Section 2, of Chapter 71, of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature

and as amended by Section 7, Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 131 of the General Laws of the Thirty-seventh Legislature, providing for and increasing the annual license fee on commercial motor vehicles; providing for applications for registration, how and when said applications shall be made; defining a commercial motor vehicle, naming the net carrying capacity of such vehicles and the annual license fees to be charged in each instance; providing for annual license fee for trailers and semi-trailers and tractors; providing for fees to be paid on certain motor busses; and providing penalties for failure to comply with provisions of this Act; and providing that the provisions of this Act shall not apply to tractors used for agricultural purposes and road building; providing method of determining horsepower of certain vehicles; also providing basis of weight and how to settle disputed classifications; and providing certain described vehicles shall not be licensed or operated on public roads and providing penalties for violating said Act; and providing for exemptions and special permits; and that liability shall attach for damages to highways and bridges in certain instances; and providing for the installation and maintenance of rear view mirrors; and providing that vehicles shall not be operated when one or more pneumatic tires are off, or when solid tires are less than one inch thick at any point and providing penalties for violation of such provisions; and providing that County Road Engineers, or County Road Superintendents, by posting notices, may have the authority in wet weather to prohibit the use of any highway or portion thereof, to loads of such maximum weight as will unduly damage such highway or portion thereof in wet weather; and repealing Section 16a added to Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature by Section 2 of Chapter 113 of the Acts of the Regular Session of the Thirty-sixth Legislature, and amended by Section 2 of Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature, which provided for registration of commercial motor vehicles and trailers operating

over highways in this State in one or more counties, giving routes and providing for bond, conditioned for payment of fees due and to become due, providing for keeping of records by owner of commercial motor vehicles operating in one or more counties, showing miles traveled in each county and report thereof; and providing for an increase of the speed limit per hour for vehicles of certain maximum weight, when equipped with pneumatic tires and when equipped with solid tires; providing penalties for violating provisions of this Act; and repealing Section 4 of Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature which provided fee per mile for net carrying capacity in pounds of each stated vehicle and provided for division and distribution of mileage fees among certain counties; and providing penalties for violating provisions of this Act and repealing all laws in conflict with this Act and declaring an emergency."

The committee report was read and adopted.

The Senate rule, requiring printed bills to lie over for one day, was suspended.

Senator McMillin offered the following amendment:

Amend H. B. No. 32, page 4, by striking out last two lines, Col. 1, page 361, and by striking out the word "ten" in line 3, Col. 3, page 361, and inserting the word "eight," and by adding at the end of line 4 the following:

"Provided that the officers or persons charged with the supervision and care of any certain designated highway may make written application to the State Highway Commission, asking that motor vehicles having a greater carrying capacity than named in this Act be permitted to operate on and over the highway specifically named in the application; and the State Highway Commission shall, after investigation and finding the highway named in the application of sufficient construction as to carry without material injury a load greater than that named in this Act, then the State Highway Commission shall have the authority to issue to the owners of motor vehicles a license authorizing a greater load than named in this Act. Said license shall state the amount of load that may

be carried and also the section of highway over which said motor vehicle may carry such excess load."

The amendment was read.

Senator Parr here moved that H. B. No. 1, reported by the committee this day, and providing that neither the bill nor the committee substitute be printed, be printed.

Senator Murphy made the point of order that since another matter was under consideration, the motion was not in order, and the Chair sustained the point of order.

Action recurred on the amendment by Senator McMillin to H. B. No. 32, and

Senator Hertzberg offered the following substitute for the amendment:

"Provided that the officers or persons charged with the supervision of any certain designated and improved highway may make application to the State Highway Commission asking that motor vehicles permitted to operate on and over the highway specifically named in the application shall be limited to those having a net carrying capacity of eight thousand pounds or less; and the State Highway Commission shall, after investigation and finding the highway named in the application not of sufficient construction as to carry, without material injury, a load greater than that named in this Act, then the State Highway Commission shall have the authority to issue to the said authorities permission to restrict such highway to the use of vehicles of eight thousand pounds net carrying capacity or less."

Action recurred on the substitute for the amendment, and,

Senator McMillin moved to table the substitute for the amendment, which motion to table was adopted, and,

The amendment by Senator McMillin was adopted.

Senator Baugh offered the following amendment, which was read and adopted:

Amend H. B. No. 32, as printed in Senate Journal of Twenty-first Day, on page 361, column 2, line 57, by inserting immediately before the word "tractors" the words "trucks or."

Senator McMillin offered the following amendment, which was read and adopted:

Amend H. B. No. 32, by striking out the words and figures "8001 to 10000" wherever they occur in the bill and the third and fourth lines from the bottom of column 2, page 363.

Senator Woods offered the following amendment; which was read and adopted:

Amend H. B. No. 32, as follows:

Strike out the following figures in subdivision A of Section 3, bottom of right hand column, page 363 of Senate Journal: "22, 18, 15."

And insert in lieu thereof the following figures: "18, 15, 12."

And strike out the following figures at top of page 364, left hand column of Senate Journal, subdivision "B" of Section 3: "20, 15."

And insert the following figures: "16, 12"; in lieu thereof.

WOODS.
SUITER.

Senator Bailey offered the following amendment:

Amend H. B. No. 32, by adding in Section 16 of the bill, on page 361, line 32, column 1, of the Journal, after the words "transportation of property" the words "for compensation or hire."

On motion of Senator Hertzberg the amendment was tabled.

Senator Hertzberg offered the following amendment, which was read and adopted:

Amend H. B. No. 32, by changing the word "width" to "weight," on page 362 of today's Journal, it being the second word in line 12 of the second paragraph in second column.

Senator Burkett offered the following amendment:

Amend H. B. No. 32, by striking out all after the enacting clause and inserting the following:

Section 1. That Section 16 of Chapter 190 of the General Laws of the Regular Session of the Thirty-sixth Legislature, as amended by Chapter 71, General Laws, passed at the Fourth Called Session of the Thirty-fifth Legislature, as amended by Chapter 113 of the General Laws of the Regular Session of the Thirty-sixth Legislature, and as amended by Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature, is hereby amended so as to hereafter read as follows:

Section 16. Registration Fees. In

order to provide funds to effectuate the provisions of this Act on and after the first day of January, 1922, and annually thereafter on and after the first day of January, every owner of a motor vehicle or motorcycle in this State shall file in the office of the county tax collector of the county in which he resides or in which the vehicle he owns is being operated, on a blank provided by the State Highway Department, an application for the registration of each motor vehicle or motorcycle owned or controlled by him.

(b) Each application shall be accompanied by the requisite fee for the number of expired quarters of the calendar year, which fee for the registration of a motorcycle for a full calendar year shall be \$3.00, and for the registration of a motor vehicle, except those hereinafter designated as "Commercial Motor Vehicles" shall be 35 cents per horsepower as determined by the standard gauging power employed by the Association of Licensed Automobile Manufacturers. The term "motorcycle" shall include only those motor-driven vehicles with less than four wheels and with the driver sitting astride.

(c) A commercial motor vehicle under the provisions of this Act, is a motor vehicle that is used in carrying freight, for its owner or for others, whether for hire or not, or a motor vehicle of net carrying capacity of more than one ton that is used for carrying passengers for hire.

(d) An agricultural motor vehicle, under the provisions of this Act, is a motor vehicle used exclusively for agricultural and ranch purposes, including hauling products from the farm and ranch to market and agricultural supplies from market to the farm.

(e) For each commercial motor vehicle the annual license fee shall be based upon the net carrying capacity as follows:

Net Carrying Capacity in Pounds.	Annual License Fee
Not more than 2000.....	\$ 7.50
2001 to 4000.....	16.00
4001 to 6000.....	40.00
6001 to 8000.....	90.00
8001 to 10000.....	160.00

(f) There shall not be any license fee charged any agricultural motor

vehicle, but the registration fee of agricultural motor vehicles shall be 35 cents per horsepower as provided in subdivision (b) Section 16 hereof.

(g) For a net carrying capacity greater than 10,000 pounds a license shall be charged for each motor vehicle at the additional rate of \$50.00 for each 1000 pounds increase in the net carrying capacity or fraction thereof, and no vehicle with a body wider than eight feet or of a total gross weight, when loaded with a capacity load of more than 5000 pounds per wheel or 700 pounds per inch width of tire, shall be licensed or be operated on the public highways, and no commercial vehicle operated hereunder shall ever carry more than ten per cent in excess tonnage over and above its registration carrying capacity. Any person or persons driving or operating or permitting to be driven or operated any vehicle whose gross weight exceeds the maximum weights prescribed herein shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding \$200.00. The maximum weights prescribed herein for commercial vehicles shall apply also to trailers.

All fees collected under the provisions of this Act on motor vehicles classified as commercial motor vehicles and agricultural motor vehicles shall be the property of the respective counties where such collections are made and shall be paid to the county treasurers of such counties, such collections to be credited to the general road and bridge fund. Anything to the contrary notwithstanding, upon application in writing to the State highway Department, said Department in its discretion may issue a special permit to the owner or operator of any vehicle allowing heavier or wider loads than named herein, to be moved or carried over and on the public highways and bridges. They may also issue such special permit to increase the permissible weight per inch of width of tire. Such permits shall be in writing and they may limit the time and use of operation over the said highways and bridges which may be traversed and may contain such special conditions and provisions and require such undertakings or other security as the said Department shall deem to be necessary to protect the public highways

and bridges from injury, or provide indemnity from any injury resulting from such operation. All such special permits shall be carried in the vehicle to which they refer and upon demand, shall be open to inspection of any peace officer or employee charged with care or protection of public highways. The owner, operator, driver or mover of any vehicle, object or contrivance over a public highway or bridge shall be jointly and severally responsible for all damages which said highway or bridge may sustain as the result of driving, operating or moving such vehicle and the amount of such damages may be recovered in an action brought by the authorities in control of such bridge or highway.

(h) Tractors used exclusively for agricultural purposes, road rollers, steam shovels and other road building equipment owned and operated by municipalities, counties or subdivisions of counties, street sprinklers, fire engines and all fire fighting apparatus, patrol wagons, ambulances owned by municipalities or counties, motor vehicles owned and operated under the direction and exclusively in official service of the United States Government, State of Texas, or any county or city thereof, shall not be required to pay the fees herein stipulated for motor vehicles and the same shall not be required to be registered.

Section 2. That Section 16a added to Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, as amended by Section 2 of Chapter 113 of the General Laws of the Thirty-sixth Legislature as amended by Chapter 131 of the General Laws of the Regular Session of the Thirty-seventh Legislature, be and the same is hereby repealed.

Section 3. That Section 18 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature be amended so as to hereafter read as follows:

Section 18. On and after January 1, 1922, every motor vehicle except motorcycles shall at all times, while being used or operated upon the public highways of this State, have displayed in a conspicuous place upon the rear of such motor vehicle, a plate or marker bearing the registration number assigned such vehicle by the State Highway Department, and each operator of a

motorcycle shall in like manner have one plate or marker displayed upon his machine bearing the registration number of such motorcycle, and the State Highway Department shall furnish such number plates without charge for the first registration, and plates that may have to be replaced shall be at the expense of the owner of such motor vehicle or motorcycle. Such motor vehicles and motorcycles shall at all times display the distinguishing seal to be provided by the Department for each year, and the said number plates and the seal shall conform to such requirements as may be prescribed by the Department.

Sec. 4. The fact that the present law relating to the registration of motor vehicles, motorcycles and trailers is vague, uncertain, indefinite, impracticable and unworkable and incapable of enforcement and the further fact that this is a special session of the Legislature, the calendar crowded and the near approach of the end of the session, creates an emergency and an imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days in each house, be suspended, and it is so suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

House Bill No. 1.

Senator Parr moved that H. B. No. 1 be re-committed to the Committee on Criminal Jurisprudence, which motion was adopted by the following vote:

Yeas—14.

Bailey.	Hertzberg.
Baugh.	Page.
Bledsoe.	Parr.
Burkett.	Rogers.
Clark.	Watts.
Doyle.	Willis.
Dudley.	Witt.

Nays—9.

Buchanan.	Murphy.
Darwin.	Suiter.
Davidson.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Cousins.	Floyd.
Dorough.	Hall.
Fairchild.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 63.

The Chair laid before the Senate, on second reading,

H. B. No. 63, A bill to be entitled "An Act creating the Laneville Independent School District in Rusk County."

The Senate rule requiring committee reports to lie over for one day was suspended.

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended, and H. B. No. 63 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Clark.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally.

Recess.

On motion of Senator Clark, the Senate, at 12 o'clock, noon, recessed until 3 o'clock today.

After Recess.

The Senate was called to order by President Pro Tem. Bailey.

Simple Resolution No. 43.

By Senator Murphy:

Resolved, That the Committee on Internal Improvements be instructed to report to the Senate House Concurrent Resolution No. 18 by 3:30 p. m. this 13th day of August, 1921.

Senator Murphy asked unanimous consent to consider the resolution, and there was objection.

Senator Murphy moved to suspend the regular order of business, H. B. No. 32, and take up the resolution.

The motion was lost by the following vote:

Yeas—10.

Bailey.	Doyle.
Baugh.	Fairchild.
Bledsoe.	Murphy.
Burkett.	Suiter.
Davidson.	Watts.

Nays—10.

Buchanan.	McMillin.
Clark.	Parr.
Darwin.	Willis.
Dudley.	Wood.
Hertzberg.	Woods.

Present—Not Voting.

Lewis.

Absent.

Cousins.	Page.
Dorough.	Rogers.
Floyd.	Witt.
Hall.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 32.

Consideration of the pending business, H. B. No. 32, was resumed, the question being on the pending amendment by Senator Burkett.

Senator Hertzberg moved to table the amendment, which motion to table was adopted.

Senator Baugh offered the following amendment:

Amend H. B. No. 32 as printed in Senate Journal of the 21st day on page 362, line 7 by striking out the period after the word "owned" and inserting a semi-colon, and adding thereafter the following:

"Provided further that trucks while

being used for the marketing of agricultural products, or transporting same to the places for storage, shall be considered, under the provisions of this Act, as used exclusively for agricultural purposes."

Senator Suiter offered the following substitute for the amendment:

Amend H. B. No. 32, page 363, Senate Journal, first column, by changing the period after the word "owned," line 7, to a semi-colon, and insert thereafter the following:

"Provided that trucks or trailers used exclusively for agricultural purposes shall be registered by horsepower as is now provided for registration of automobiles and shall be subject to all the provisions of this Act except the payment of the annual license fees."

The substitute was adopted, and

The amendment, as substituted, adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Suiter.
Darwin.	Watts.
Davidson.	Willis.
Doyle.	Witt.
Dudley.	Wood.
Fairchild.	Woods.
Hertzberg.	

Absent

Cousins.	Hall.
Dorough.	Rogers.
Floyd.	

Absent—Excused

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally.

House Bill No. 109.

The Chair laid before the Senate, on second reading.

H. B. No. 109, A bill to be entitled "An Act creating the Snyder Independent School District, situated in Hale County, Texas, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 109 put on its third reading and final passage by the following vote:

Yeas—25..

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent

Cousins.	Hall.
Dorough.	

Absent—Excused

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally by the following vote:

Yeas—25..

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent

Cousins.	Hall.
Dorough.	

Absent—Excused

Carlock.	Williams.
Richards.	

House Bill No. 131.

The Chair laid before the Senate, on second reading,

H. B. No. 131, A bill to be entitled "An Act to amend H. B. No. 23, Chapter 7, page 16, Acts of the Fourth Called Session of the Thirty-sixth Legislature, being 'An Act relating to the protection of wild birds and wild fowl of the counties of Dimmitt, Uvalde, Medina, Zavalla, Gillespie, Blanco, Llano, Kendall, Kimble, Kerr, Real, Mason, Edwards, Menard, Sutton, Crockett, Bandera, Comal, Hays, Frio, Maverick, Kinney, Val Verde, Terrell, Brewster, Presidio, Jeff Davis, Schleicher, Tom Green, Sterling and Irion, and changing the time of open season on such wild birds and fowl," etc.

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 131 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Hertzberg.	Woods.

Absent

Cousins.	Floyd.
Dorough.	Hall.

Absent—Excused

Carlock.	Williams.
Richards.	

The bill was read third time and laid on the table subject to call.

The bill was later called up, and passed finally.

House Bill No. 132.

The Chair laid before the Senate, on second reading,

H. B. No. 132, A bill to be entitled "An Act creating a more efficient road system for Liberty County, Texas; providing that each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection of roads, bridges and culverts by said commissioner, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 132 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent

Cousins.	Hall.
Dorough.	

Absent—Excused

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

Message from the House.

Hall of the House of Representatives,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 170, A bill to be entitled "An Act making an appropriation to pay the contingent expenses of the First Called Session of the Thirty-seventh Legislature, of the State of Texas, convened July 18, 1921; providing how accounts shall be approved, and declaring an emergency."

S. B. No. 62, A bill to be entitled "An Act making certain emergency appropriations out of the General Revenue for the support and maintenance of the State Government for the fiscal years ending August 31, 1921, and August 31, 1922, and authorizing the expenditure of certain unexpended balances from former appropriations and making appropriations for authorized deficiencies incurred in support of the State Government for the fiscal years ending August 31, 1922."

H. B. No. 137, A bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State; authorizing the payment of said miscellaneous items on the taking effect of this Act, making additional appropriations to pay interest on the public debt of the State, and to pay Mexican War veterans and to pay Miss Lavinia Harvill as assistant librarian at the University for the fiscal years ending August 31, 1922, and August 31, 1923, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair (President Pro Tem. Bailey) had referred, after their captions had been read, the following House bills:

H. B. No. 137, to Committee on Finance.

H. B. No. 170, to Committee on Finance.

House Bill No. 1.

Here the chairman of the Committee on Criminal Jurisprudence, by unanimous consent, reported H. B. No. 1 from the committee. (See Appendix for the committee report.)

The question arose as to whether or not both the House Bill and the committee substitute would be printed in the Journal, and the Chair held that the regular order of business would have to be suspended, in order to take action on the committee report, and

Senator Bledsoe moved that the regular order of business be suspended, and the Senate take up, out of its order, H. B. No. 1 for consideration, which was adopted by the following vote:

Yeas—15.

Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Rogers.
Burkett.	Suiter.
Davidson.	Witt.
Doyle.	Wood.
Lewis.	Woods.
McMillin.	

Nays—6.

Clark.	Hertzberg.
Dudley.	Parr.
Fairchild.	Watts.

Present—Not Voting.

Bailey

Absent.

Cousins.	Floyd.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

(Pair Recorded.)

Senator Darwin (present), who would vote "yea"; with Senator Hall (absent), who would vote "nay."

Action recurred on H. B. No. 1, and

The Chair laid before the Senate, on second reading,

H. B. No. 1, A bill to be entitled "An Act to amend Chapter 78 of the Second Called Session of the Thirty-

sixth Legislature, by repealing Section 31 of said Act and adding and inserting in lieu thereof a new Section known as Section 31, providing substantially that the manufacture, sale, barter, exchange, transportation, exportation, taking orders for, furnishing, or possessing of intoxicating liquors mentioned in this Chapter shall be lawful if done for medical, mechanical, scientific or sacramental purposes and after a permit has been duly authorized and granted by the proper authorities for such purpose; providing that it shall not be necessary in prosecutions under this Act to negative the exceptions above named nor to negative and disprove the issuance of permits for any of the above named purposes, but that the same shall be available to the person charged as purely defensive matters; providing further, that upon the trial of any person charged with selling spiritous, vinous or malt liquors or medicated bitters, capable of producing intoxication, or any other intoxicant whatever, a conviction may be had upon the testimony of the purchaser, if the court or jury trying the case shall upon consideration of such testimony in connection with all the other facts and circumstances, if any, in evidence in the case, believe beyond a reasonable doubt that the accused is guilty as charged, and providing that the suspended sentence law shall not apply to convictions for any offenses under this Chapter and repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and Senator Bledsoe moved that the Senate rule requiring committee reports to lie over for one day be suspended, which motion was lost by the following vote:

Yeas—14.

Baugh.	Murphy.
Bledsoe.	Page.
Buchanan.	Rogers.
Burkett.	Suiter.
Davidson.	Witt.
Lewis.	Wood.
McMillin.	Woods.

Nays—7.

Clark.	Hertzberg.
Doyle.	Parr.
Dudley.	Watts.
Fairchild.	

Present—Not Voting.

Bailey

Absent.

Cousins.	Floyd.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

(Pair Recorded.)

Senator Darwin (present), who would vote "yea"; with Senator Hall (absent), who would vote "nay."

The Chair declared the motion lost, since a two-third vote of the members present was necessary.

Senator Bledsoe made the point of order that it only required two-thirds of those present and voting, but the Chair overruled the point of order.

The regular order of business was resumed.

House Bill No. 135.

The Chair laid before the Senate, on second reading,

H. B. No. 135, A bill to be entitled "An Act amending Section 1, Chapter 5, Local and Special Laws of the State of Texas, passed at the Third Called Session of the Thirty-sixth Legislature, by changing and enlarging boundaries of the Sodville Independent School District in San Patricio County, Texas, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

House Bill No. 140.

The Chair laid before the Senate, on second reading,

H. B. No. 140, A bill to be entitled "An Act creating a more efficient road system for Hardin County, Texas; providing that each commissioner of the same shall be ex-officio road commissioner of his precinct; providing for an inspection of roads, bridges

and culverts by said commissioners, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 140 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 145.

The Chair laid before the Senate, on second reading,

S. B. No. 145, A bill to be entitled "An Act repealing Chapter 50 of the Special and Local Laws of the State of Texas, passed by the Thirty-sixth Legislature at its Regular Session, creating the Laketon Independent School District in Gray County, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 145 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally.

House Bill No. 148.

The Chair laid before the Senate, on second reading,

H. B. No. 148, A bill to be entitled "An Act creating the Poolville Independent School District in Parker County, Texas."

The committee report was adopted.

Here Senator Parr had read a letter from Weatherford, protesting the passage of the bill. The letter was read.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 148 put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Clark.	Parr.
Darwin.	Rogers.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Witt.
Fairchild.	Wood.
Hertzberg.	Woods.

Absent.

Burkett.	Floyd.
Cousins.	Hall.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally by the following vote:

Yeas—23.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Darwin.	Willis.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 163.

The Chair laid before the Senate, on second reading.

H. B. No. 163, A bill to be entitled "An Act creating the Chillicothe In-

pendent School District in Hardeman County, Texas; defining its boundaries, including the present Chillicothe Independent School District; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon independent school districts and the board of trustees thereof; providing that the present board of trustees continue in office until the expiration of their respective terms; providing for the validation of the maintenance tax and bonds heretofore voted in said district; providing that said district may extend its boundaries in accordance with the General Law; providing that the outstanding bonded indebtedness of said district shall remain in full force and providing that said district as herein created may assume such indebtedness; providing for a board of equalization and a tax assessor and collector for said district, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 163 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey	Suiter.
Baugh.	Davidson.
Bledsoe.	Doyle.
Buchanan.	Dudley.
Burkett.	Fairchild.
Clark.	Floyd.
Darwin.	Hertzberg.
Lewis.	Watts.
McMillin.	Willis.
Murphy.	Witt.
Page.	Wood.
Parr.	Woods.
Rogers.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

23—Senate.

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 1.

Senator Bledsoe moved to suspend the regular order of business and take up H. B. No. 1 for consideration at this time.

The motion was adopted by the following vote:

Yeas—17.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Rogers.
Darwin.	Suiter.
Davidson.	Witt.
Doyle.	Wood.
Floyd.	Woods.
Lewis.	

Nays—7.

Bailey	Hertzberg.
Clark.	Parr.
Dudley.	Watts.
Fairchild.	

Absent.

Cousins.	Hall.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

The Chair laid before the Senate

H. B. No. 1, (having been read second time at a former proceeding this afternoon).

Senator Bledsoe moved to suspend the Senate rule requiring committee reports to lie over for one day for the purpose of considering the bill.

The motion was adopted by the following vote:

Yeas—17.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Rogers.
Darwin.	Suiter.
Davidson.	Witt.
Doyle.	Wood.
Floyd.	Woods.
Lewis.	

Nays—7.

Bailey	Hertzberg.
Clark.	Parr.
Dudley.	Watts.
Fairchild.	

Absent.

Cousins.	Hall.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

Action recurred on the committee reports, there being a majority committee report recommending the passage of S. B. No. 51, as committee substitute, and a minority committee report recommending the passage of H. B. No. 1, and be not printed.

Senator Parr moved to adopt the majority committee report, and

Senator Suiter moved, as a substitute, the adoption of the minority committee report.

Action recurred on the substitute first, and the same was adopted by the following vote:

Yeas—16.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Darwin.	Rogers.
Davidson.	Suiter.
Doyle.	Witt.
Floyd.	Wood.
Lewis.	Woods.

Nays—8.

Bailey.	Fairchild.
Burkett.	Hertzberg.
Clark.	Parr.
Dudley.	Watts.

Absent.

Cousins.	Hall.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

Senator Clark moved that the Senate adjourn until 8 o'clock Monday morning, which motion was lost by the following vote:

Yeas—7.

Bailey.	Hertzberg.
Clark.	Parr.
Dudley.	Watts.
Fairchild.	

Nays—17.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Rogers.
Darwin.	Suiter.
Davidson.	Witt.
Doyle.	Wood.
Floyd.	Woods.
Lewis.	

Absent.

Cousins.	Hall.
Dorough.	Willis.

Absent—Excused.

Carlock.	Williams.
Richards.	

Action recurred on the engrossment of H. B. No. 1, and

Senator Witt offered two amendments, being acted on separately:

(1)

Amend H. B. No. 1 by adding after Section 2a the following Section 3 and re-numbering the Sections accordingly:

"Sec. 3. The proof of manufacture of any spiritous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, shall be prima

facie evidence of the unlawful manufacture thereof."

(2)

Amend H. B. No. 1 by adding after Section 3 of the bill as amended, the following Section 4 and re-numbering the Sections accordingly:

Sec. 4. The proof of manufacture of any spiritous, vinous or malt liquors or medicated bitters, or any potable liquor, mixture or preparation, containing one per cent of alcohol by volume, shall be prima facie evidence of the unlawful manufacture thereof."

Senator Burkett offered the following amendment:

Amend H. B. No. 1 by striking out the words "for the purpose of sale" wherever they appear in same.

The amendment was read, and

Senator Suiter moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—17.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Darwin.	Rogers.
Davidson.	Suiter.
Doyle.	Witt.
Dudley.	Wood.
Floyd.	Woods.
Lewis.	

Nays—8.

Bailey.	Hertzberg.
Burkett.	Parr.
Clark.	Watts.
Fairchild.	Willis.

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

Senator Fairchild here moved to postpone further consideration of the bill until 9:30 o'clock Monday morning, and

Senator Suiter moved to table the motion to postpone, which motion to table was adopted by the following vote:

Yeas—17.

Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Rogers.
Darwin.	Suiter.
Davidson.	Witt.
Doyle.	Wood.
Floyd.	Woods.
Lewis.	

Nays—8.

Bailey.	Hertzberg.
Clark.	Parr.
Dudley.	Watts.
Fairchild.	Willis.

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

Senator Witt offered the following amendment, which was read and adopted:

Amend the caption of H. B. No. 1 by adding before the words "and declaring an emergency" the following words:

"And providing that proof of manufacture of any spiritous, vinous or malt liquors or medicated bitters capable of producing intoxication, or any other intoxicant whatever, shall be prima facie evidence of the unlawful manufacture thereof; and providing that the proof of manufacture of any spiritous, vinous or malt liquors, or medicated bitters, or any potable liquor, mixture or preparation containing in excess of one (1) per cent of alcohol by volume, shall be prima facie evidence of the unlawful manufacture thereof."

Senator Darwin offered the following amendment, which was read and adopted:

Amend H. B. No. 1 by inserting the words, "A bill to be entitled An Act" before the word "Act."

At 5 o'clock p. m., Senator Clark moved that the Senate adjourn until 10 o'clock Monday morning, which motion was lost by the following vote:

Yeas—6.		Absent.	
Bailey.	Hertzberg.	Cousins.	Hall.
Clark.	Parr.	Davidson.	Page.
Dudley.	Watts.	Dorough.	
Nays—18.		Absent—Excused.	
Baugh.	Lewis.	Carlock.	Williams.
Bledsoe.	McMillin.	Richards.	
Buchanan.	Murphy.	The bill was passed to a third reading by the following vote:	
Burkett.	Rogers.		
Darwin.	Suiter.	Yeas—17.	
Davidson.	Willis.	Baugh.	Murphy.
Doyle.	Witt.	Bledsoe.	Page.
Fairchild.	Wood.	Buchanan.	Rogers.
Floyd.	Woods.	Burkett.	Suiter.
Absent.		Darwin.	Willis.
Cousins.	Hall.	Doyle.	Witt.
Dorough.	Page.	Floyd.	Wood.
Absent—Excused.		Lewis.	Woods.
Carlock.	Williams.	McMillin.	
Richards.		Nays—7.	
Action recurred on the consideration of H. B. No. 1, and		Bailey.	Hertzberg.
		Clark.	Parr.
Senator Burkett offered the following amendment:		Dudley.	Watts.
		Fairchild.	
Amend H. B. No. 1 by adding the following at the end of Section 2a:		Absent.	
		Cousins.	Dorough.
"Provided any person convicted under this Act shall not be entitled to the benefit of the suspended sentence law."		Davidson.	Hall.
		Absent—Excused.	
Senator Murphy moved the previous question on the bill, and pending amendment, the motion, being duly seconded, was ordered.		Carlock.	Williams.
		Richards.	
The amendment by Senator Burkett was lost by the following vote:		Senator Murphy moved that the constitutional rule requiring bills to be read on three several days be suspended and H. B. No. 1 be put on its third reading and final passage.	
Yeas—10.		Yeas—15.	
Baugh.	Floyd.	Baugh.	Murphy.
Bledsoe.	Lewis.	Bledsoe.	Page.
Buchanan.	McMillin.	Buchanan.	Rogers.
Burkett.	Suiter.	Darwin.	Suiter.
Doyle.	Wood.	Davidson.	Witt.
Nays—13.		Doyle.	Wood.
Bailey.	Parr.	Lewis.	Woods.
Clark.	Rogers.	McMillin.	
Darwin.	Watts.	Nays—10.	
Dudley.	Willis.	Bailey.	Floyd.
Fairchild.	Witt.	Burkett.	Hertzberg.
Hertzberg.	Woods.	Clark.	Parr.
Murphy.		Dudley.	Watts.
		Fairchild.	Willis.

Absent.

Cousins. Hall.
Dorough.

Absent—Excused.

Carlock. Williams.
Richards.

Messages from the House.

Hall of the House of Representatives.
Austin, Texas, Aug. 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 19, A bill to be entitled "An Act for the purpose of promoting public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars each year, or so much thereof as may be necessary, for the next two fiscal years, ending August 31, 1922, and August 31, 1923, respectively, and allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholastics shall receive such aid, except in the case of bona fide consolidated schools situated in the county; giving preference to all school districts in which the available school funds, together with the local district tax will not maintain the schools six months in the year; providing that such schools receiving such aid shall have a certain percentage of attendance, with exceptions; granting authority to the State Board of Education and the State Superintendent of public Instruction to act for the best interests of the schools in cases and conditions not covered by the law; giving to the State Board of Education and the State Superintendent power to establish rules and regulations for the improvement of county schools receiving the benefits of a portion of the funds provided for in this Act; providing for the expenses of admin-

istration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and distribution of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Aug. 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 34, A bill to be entitled "An Act relative to and providing for vocational education and to accept the benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled, for the promotion of vocational education; designating the State Treasurer as custodian for the reception and disbursement of all funds allotted to this State from the appropriations made by the Federal Act; designating and authorizing the State Board of Education to act in co-operation with the Federal Board for Vocational Education in the administration of the provisions of said Act; making an appropriation of \$165,600 or so much thereof as may be necessary for the fiscal year 1921-1922 and an appropriation of \$185,600 or so much thereof as may be necessary, for the fiscal year 1922-1923; providing compensation for appropriations by local boards and by the State in its educational budgets for the purpose of this Act; and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,
Chief Clerk House of Representatives

Bills Read and Referred.

The Chair, President Pro Tem. Bailey, had referred, after their captions had been read, the following House Bills:

H. B. No. 170, Referred to Committee on Finance.

H. B. No. 137, Referred to Committee on Finance.

Senator Clark, at 5:15 o'clock, moved that the Senate adjourn until 10 o'clock Monday morning, which motion was lost by the following vote:

Yeas—10.

Bailey.	Hertzberg.
Clark.	Page.
Doyle.	Parr.
Dudley.	Watts.
Fairchild.	Willis.

Nays—14.

Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Rogers.
Darwin.	Suiter.
Davidson.	Witt.
Floyd.	Wood.

Absent.

Cousins.	Hall.
Dorough.	Woods.

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 135.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 135 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Page.
Clark.	Parr.
Darwin.	Rogers.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.

Absent.

Cousins.	Woods.
Dorough.	

Absent—Excused.

Carlock.	Richards.
Hall.	Williams.

House Bill No. 164.

The Chair laid before the Senate, on second reading,

H. B. No. 164, A bill to be entitled "An Act to amend Section 4, Chapter 49, Local and Special Laws of the State of Texas passed at the Regular Session of the Thirty-fifth Legislature, providing for the time and manner of election and term of office of trustees of the San Antonio Independent School District, so as to change the time of holding said election and fixing time for qualifying, and fixing the term of office of such trustees in said district, and providing the number of trustees of the San Antonio Independent School District, and providing that said board of education shall be composed at all times of three women and four men, and that women shall succeed women members and men shall succeed men members."

The committee report was adopted.

Senator Hertzberg offered and had adopted an amendment adding the emergency clause.

The bill was read second time and passed to a third reading.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 164 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richard.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 166.

The Chair laid before the Senate, on second reading,

H. B. No. 166, A bill to be entitled "An Act creating the Sudan Independent School District in the County of Lamb, State of Texas."

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the

constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 166 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

House Bill No. 167.

The Chair laid before the Senate, on second reading,

H. B. No. 167, A bill to be entitled "An Act to amend Chapter 12, General Laws and Special Laws of Texas

of the First Called Session of the Thirty-third Legislature, page 19, fixing the time for holding the terms of district court in the Forty-seventh Judicial District; legalizing all processes issued or served before this Act takes effect; repealing all laws in conflict herewith, and declaring an emergency."

The Senate rule, requiring committee reports to lie over for one day, was suspended.

The committee report was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Bledsoe, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 167 put on its third reading and final passage by the following vote:

Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Buchanan.	Page.
Burkett.	Parr.
Clark.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Willis.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Absent.

Cousins.	Hall.
Dorough.	

Absent—Excused.

Carlock.	Williams.
Richards.	

The bill was read third time and passed finally.

Special Committee Report.

The following is printed here by order of the Senate:

Austin, Texas, Aug. 13, 1921.

Hon. Lynch Davidson, President of the Senate; and

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sirs: We, your Subcommittee of the Committee appointed by the Senate of Texas and the House of Representatives to investigate the killing of George W. Ludwig and Jack Baldwin, two convicts, at Eastham Farm

on July 22, 1921, beg leave to report as follows:

Brief Statement of Testimony.

The Committee examined twelve witnesses, and the examination was conducted in the State Capitol at Austin, Texas.

The two men killed were George W. Ludwig and Jack Baldwin, and the testimony as adduced before the Committee shows the following facts:

On Friday afternoon, July 22, at about 2:00 o'clock, plow squad No. 2 on Eastham Farm was returning from dinner to the field. There were twenty men in the squad, and they were in charge of Guards John Wells and Charlie Whitley. The squad was mounted on mules and the guards on horses. One of the guards was mounted on a large bay horse and the other on a smaller bay horse. Guard Wells was armed with a six shooter and Guard Whitley was armed with a six shooter and a shot gun. The guards were riding behind the squad. At a certain point in the road where there was a big double bridge and two ditches on each side, four convicts, including the two men killed, started to run ahead of the squad. The testimony of Guard John Wells is that he ran right through the squad and called to the men to stop; and when he got within seventy yards of the men, he shot, and that Whitley also shot. One of the prisoners was shot through the head and the other one was shot through the back, and also through the side. Both men dropped from the mules and were dead when picked up. The testimony of the guards was that if they had run off from the squad to cut the men off who had tried to escape, the prisoners in the squad might have escaped. The testimony further showed that neither guard went up to the men after they fell from their mules to find out if they were still living. The testimony by both guards, Wells and Whitley, showed that they did not shoot at the mules, but that they shot to stop the men. Both guards testified that they did not go up to the killed men. There was some testimony to the effect that the men who tried to escape changed their mules to better mules with other members of the squad, and that the break had been planned and that the other mem-

bers of the squad knew it. When asked whether or not they thought they had done the right thing in shooting the men instead of the mules, they said they thought it was their duty to shoot the men in order to stop them. Testimony further showed that the other two men, Frisbie and Smith, were stopped, although they were ahead of the two men who were killed. Guard Wells testified that one of the reasons he shot was that he thought it was his duty to get blood, that if he had not gotten blood that he would have been fired and blacklisted; that that was the understanding among the guards and had been told so by the sergeants. Both guards also testified that they understood that they would not be punished for killing a convict who tried to escape. The testimony of all the convicts, except Clyde Clevenger, who was also a convict witness, was to the effect that the guards did not call to the men to stop, but that they shot the men when very close to them, that they could have overtaken them, and that from their standpoint it was cold blooded and unjustified. All of the witnesses except Clyde Clevenger testified freely and convincingly and made no efforts to conceal anything, and made frank reference to themselves, even though damaging to themselves. The testimony also further developed by convict testimony that one Rev. Miller, Chaplain on Eastham Farm, delivered the sermon at the funeral, and although he knew nothing of the facts of the killing, said that this killing should be an example to the other men. It also developed that Guard Wells, one of the two guards who committed the killing, was commanded to dig the grave of the men killed, and did dig the grave, and was present at the funeral services. All convicts examined stated that they knew, had read and been told that the Governor of the State had made the statement that guards should shoot at convicts who were trying to escape and they would not be punished. Dr. Beeson testified as to the bullet wounds found on the bodies of the convicts. The Justice of the Peace, Judge Robinson, who held the inquest and found the killing to be justifiable, testified that he did not have any of the convicts before him at the inquest, al-

though he knew the entire squad had witnessed the killing. He testified that he did not ask the guards why they did not shoot the mules; that he did not ask the guards how much ground they had gained in trying to overtake the mules, nor how far Guard Wells was from both the men when he fired the shots, nor how far the men were ahead of the squad. He testified that this was the first inquest he had ever held on a dead body. Sergeant Barfield testified that he thought the men were justified in shooting, although he had not witnessed it, and did not think they should have shot the mules from under the men before shooting the men.

Guard Whitley testified and was a very unwilling witness. He refused to answer many of the questions of the Committee, stating that he did not care to answer them, assuming an air of indifference in the matter, and also stating that he did not regret the shooting.

Findings of Fact.

Based upon the testimony adduced before the Committee, which was taken down by expert stenographers, a transcript of which is hereto attached and made a part of this report, we submit the following findings of fact:

1st. We find that the killing of convicts Baldwin and Ludwig was unnecessary and unjustified.

2nd. We find that the guards were mounted on horses and the convicts on mules and that the guards could have overtaken the convicts who tried to escape and captured them.

3rd. We find that the men could have been stopped by having their mules shot from under them if the guards felt that they could not head them off with their horses.

4th. We find that the men had planned to escape, and that it was known to most of the squad.

5th. We find that the guards believed they would not be punished for shooting the men.

6th. We find that after the men fell from their mules they were allowed to lie in the turnrow without the guards coming to them immediately to ascertain whether they were living or dead and rendering them first aid.

7th. We find that Sergeant Barfield retained both guards and inflicted no punishment of any kind upon them, neither laying them off nor reprimanding them, but substantially approved of what they had done.

8th. We find that the county attorney of Houston County did not make the statement to the effect that he would have to file a complaint against the guard who did the shooting but only as a matter of form as he would not be prosecuted.

Recommendations.

We recommend dismissal from the penitentiary service of Charlie Whitley and John Wells, and that they be not again reinstated in any capacity in the prison system of Texas.

We recommend that the case be called by the Chairman of the Prison Commission to the attention of the nearest grand jury having jurisdiction in the matter, and that the Prison Commission of Texas be active in seeing that the grand jury be furnished with all the evidence in the matter, and that if indictments be found that the case be vigorously prosecuted by the district attorney in the district in which the cases are tried.

We recommend that the Prison Board of Texas issue an order immediately to the guards of the Prison System of Texas that they must not shoot any men trying to escape until they have exhausted every other reasonable means of recapturing them by other methods, and if said rule be violated that they shall be immediately dropped from the service and not reinstated.

We recommend that the Prison System of Texas have a sufficient number of blood hounds for the purpose of recapturing escaping prisoners, and that they be kept available, and that the guards be mounted on good horses.

We recommend that the rule should be made and adhered to by the Prison Commission of Texas that it shall be the duty of the Chaplain to deliver at funeral services, if any sermon is preached, sermons characterized to be proper sermons, calculated to inspire the men with the solemnity of such an occasion, and that nothing be preached in said

sermons reflecting upon the character of the deceased.

Respectfully submitted,
HERTZBERG.
TEER.

Subcommittee.

Report not passed upon by General Committee nor considered at committee meeting nor submitted to General Committee.

Bills Signed.

The Chair, President Pro Tem. Bailey, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate Bills 93, and 62.
S. C. R. No. 8.

Adjournment.

On motion of Senator Dudley, the Senate, at 5:30 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

Senate Chamber,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 74 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

(Floor Report.)

Senate Chamber,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 103, A bill to be entitled "An Act to amend Article 235, Chapter 2, Title 4, of the Code of Criminal Procedure of the State of Texas of

1911; defining the county in which the offense of forgery of a written instrument, the uttering or passing of a forged written instrument, or attempting to utter or pass a forged written instrument, etc.,"

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Hertzberg, Chairman; Parr, Dudley, Willis.

Committee Room,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 63, A bill to be entitled "An Act creating the Laneville Independent School District, etc.,"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass as amended by your committee, and that same be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 167, A bill to be entitled "An Act to amend Chapter 12, General and Special Laws of Texas, of the First Called Session of the Thirty-third Legislature, page 19, fixing the time for holding the terms of district court in the Seventeenth Judicial District, legalizing all process issued or served before this Act takes effect, repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WITT, Acting Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Crim-

inal Jurisprudence, to whom was referred

H. B. No. 1, A bill to be entitled "An Act to amend Chapter 78, of the Second Called Session of the Thirty-sixth Legislature, by repealing Section 31 of said Act and adding and inserting therein in lieu thereof a new Section known as Section 31, providing substantially that the manufacture, sale, barter, exchange, transportation, exportation, soliciting, taking orders for, furnishing or possession of intoxicating liquors mentioned in this Chapter shall be lawful if done for medical, mechanical, scientific, sacramental purposes, and after a permit has been duly authorized and granted by the proper authorities for such purpose, etc.,"

Have had the same under consideration, and beg leave to report back to the Senate with the recommendation that it do not pass, but that the committee substitute therefor, S. B. No. 51, do pass, and that it be not printed, but be printed in the Journal.

HERTZBERG, Chairman.

Note: By reason of the suspension of the regular order of business, and taking up this bill for consideration, and the adoption of the minority committee report in lieu of the majority committee report the bill is not printed here.

(Minority Report.)

Committee Room,
Austin, Texas, August 13, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

H. B. No. 1, A bill to be entitled "An Act to amend Chapter 78, of the Second Called Session of the Thirty-sixth Legislature, by repealing Section 31 of said Act and adding and inserting therein in lieu thereof a new Section known as Section 31, providing substantially that the manufacture, sale, barter, exchange, transportation, exportation, soliciting, taking orders for, furnishing or possession of intoxicating liquors mentioned in this Chapter shall be lawful if done for medical, mechanical, scientific, sacramental purposes, and after a permit has been duly authorized and granted by

the proper authorities for such purpose, etc."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

WOODS,
SUITER.

TWENTY-THIRD DAY.

Senate Chamber,
Austin, Texas,

Monday, August 15, 1921.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Lynch Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	McMillin.
Raun.	Murphy.
Bledsoe.	Page.
Rurkett.	Parr.
Clark.	Richards.
Cousins.	Rogers.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.
Lewis.	

Absent.

Buchanan. Hall.
Dorough.

Absent—Excused.

Carlock.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

Senate Bill No. 19—Conference Committee On.

I move that the Senate do not concur in House amendments to S. B. No. 19, but that a free conference between the House and Senate be requested to arrange differences between the House and Senate on said bill.

FLOYD.

The motion was read and adopted, and,

The Chair appointed the following

Senators on the committee on part of the Senate: Senators Floyd, Williams, Rogers, Buchanan and Cousins.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, August 15, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 9, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts, and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

With engrossed rider.

H. B. No. 118, A bill to be entitled "An Act conferring upon life insurance companies organized under the laws of this State, in addition to the powers heretofore conferred upon such companies, the power to act as executor under the last will, or as administrator of the estate of any deceased person under appointment of any court of record having jurisdiction of the estate of such deceased person, and declaring an emergency."

H. B. No. 144, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same and prescribe their duties; to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

H. B. No. 78, A bill to be entitled "An Act to amend Article 235, Chapter 2, Title 4, of the Code of Criminal Procedure of the State of Texas of 1911; defining the county in which the offense of forgery of a written instrument, or where the same is used or passed or attempted to be used or passed or deposited for either collection or credit and forging and uttering, using or passing a forged instrument in writing which concerns or affects the title to land in this State, and declaring an emergency."